

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

APPEAL NO.655 OF 2007
IN
OFFICIAL LIQUIDATOR'S REPORT DATED 28TH JUNE 2006
IN
COMPANY APPLICATION NO.881 OF 2006
IN
COMPANY PETITION NO.412 OF 1985

Mr. Vijay Swar. ...Appellant.

Vs.

Official Liquidator, High Court, Bombay. ...Respondent.

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Mrs.Shakuntala Joshi i/b. Anand Poojari for the Appellant.

Mr.Kedar Dighe for the Respondent.

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**CORAM : SWATANTER KUMAR, C.J. &
DR.D.Y.CHANDRACHUD, J.**

October 31, 2007.

P.C. :

The present Company Appeal is directed against the order of the Learned Single Judge, dated 9th August 2007. While recording that the Court was satisfied that the demand of the valuer was unjustified and could not be allowed, the Learned Single Judge rejected the request of the valuer for the payment of the bill amount which he had submitted to the Official Liquidator being Valuer acting on behalf of the Official Liquidator. We may notice that in the same

proceedings earlier an order was passed requiring the applicant valuer to produce detailed justification in respect of each of the bills before the Official Liquidator and the Official Liquidator was directed to look into the matter and to submit a consolidated report. The report was submitted before the Company Court on 28th June 2006. Having seen the report of the Official Liquidator, the Court found that there was no merit in the application and also noticed the fact that all these claims were subsequent to the termination of the services of the valuer from the office of the Official Liquidator. Besides the fact that there is hardly any merit in the present appeal, we may also notice that the Official Liquidator's office has certain reservations against this valuer as he had, according to that office, undervalued the property of the Company for which he was appointed as valuer. One of the stands taken by the valuer in his affidavit dated 12th July 2007 was that it was not correct to say that he had undervalued the property, but gave an explanation that he had acted as per the advice of the Counsel who was appearing on his behalf. He also states that as and when he realised the mistakes, he changed the Advocate. This by itself indicates that the order passed by the Learned Single

Judge does not suffer from any infirmity or jurisdictional error which calls for interference. The appeal is dismissed, leaving the parties to bear their own costs.

CHIEF JUSTICE

Dr.D.Y. CHANDRACHUD, J.